

ASSEMBLY BILL

No. 2706

Introduced by Assembly Member Feuer

February 22, 2008

An act to amend Section 12020 of the Penal Code, relating to dangerous weapons.

LEGISLATIVE COUNSEL'S DIGEST

AB 2706, as introduced, Feuer. Dangerous weapons.

Existing law provides that any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses, among other dangerous weapons, metal knuckles, as defined, is punishable by imprisonment in a county jail not exceeding one year or in the state prison.

This bill would recast “metal knuckles” for these purposes as “artificial knuckles” and would expand the definition of that term to include instruments or devices made of other materials and that contain other features, as specified.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 12020 of the Penal Code is amended to read:

12020. (a) Any person in this state who does any of the following is punishable by imprisonment in a county jail not exceeding one year or in the state prison:

(1) Manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, lends, or possesses any cane gun or wallet gun, any undetectable firearm, any firearm which is not immediately recognizable as a firearm, any camouflaging firearm container, any ammunition which contains or consists of any fléchette dart, any bullet containing or carrying an explosive agent, any ballistic knife, any multiburst trigger activator, any nunchaku, any short-barreled shotgun, any short-barreled rifle, any ~~metal~~ artificial knuckles, any belt buckle knife, any leaded cane, any zip gun, any shuriken, any unconventional pistol, any lipstick case knife, any cane sword, any shobi-zue, any air gauge knife, any writing pen knife, any metal military practice handgrenade or metal replica handgrenade, or any instrument or weapon of the kind commonly known as a blackjack, slungshot, billy, sandclub, sap, or sandbag.

(2) Commencing January 1, 2000, manufactures or causes to be manufactured, imports into the state, keeps for sale, or offers or exposes for sale, or who gives, or lends, any large-capacity magazine.

(3) Carries concealed upon his or her person any explosive substance, other than fixed ammunition.

(4) Carries concealed upon his or her person any dirk or dagger.

However, a first offense involving any metal military practice handgrenade or metal replica handgrenade shall be punishable only as an infraction unless the offender is an active participant in a criminal street gang as defined in the Street Terrorism and Enforcement and Prevention Act (Chapter 11 (commencing with Section 186.20) of Title 7 of Part 1). A bullet containing or carrying an explosive agent is not a destructive device as that term is used in Section 12301.

(b) Subdivision (a) does not apply to any of the following:

(1) The sale to, purchase by, or possession of short-barreled shotguns or short-barreled rifles by police departments, sheriffs'

1 offices, marshals' offices, the California Highway Patrol, the
2 Department of Justice, or the military or naval forces of this state
3 or of the United States for use in the discharge of their official
4 duties or the possession of short-barreled shotguns and
5 short-barreled rifles by peace officer members of a police
6 department, sheriff's office, marshal's office, the California
7 Highway Patrol, or the Department of Justice when on duty and
8 the use is authorized by the agency and is within the course and
9 scope of their duties and the peace officer has completed a training
10 course in the use of these weapons certified by the Commission
11 on Peace Officer Standards and Training.

12 (2) The manufacture, possession, transportation or sale of
13 short-barreled shotguns or short-barreled rifles when authorized
14 by the Department of Justice pursuant to Article 6 (commencing
15 with Section 12095) of this chapter and not in violation of federal
16 law.

17 (3) The possession of a nunchaku on the premises of a school
18 which holds a regulatory or business license and teaches the arts
19 of self-defense.

20 (4) The manufacture of a nunchaku for sale to, or the sale of a
21 nunchaku to, a school which holds a regulatory or business license
22 and teaches the arts of self-defense.

23 (5) Any antique firearm. For purposes of this section, "antique
24 firearm" means any firearm not designed or redesigned for using
25 rimfire or conventional center fire ignition with fixed ammunition
26 and manufactured in or before 1898 (including any matchlock,
27 flintlock, percussion cap, or similar type of ignition system or
28 replica thereof, whether actually manufactured before or after the
29 year 1898) and also any firearm using fixed ammunition
30 manufactured in or before 1898, for which ammunition is no longer
31 manufactured in the United States and is not readily available in
32 the ordinary channels of commercial trade.

33 (6) Tracer ammunition manufactured for use in shotguns.

34 (7) Any firearm or ammunition that is a curio or relic as defined
35 in Section 478.11 of Title 27 of the Code of Federal Regulations
36 and which is in the possession of a person permitted to possess the
37 items pursuant to Chapter 44 (commencing with Section 921) of
38 Title 18 of the United States Code and the regulations issued
39 pursuant thereto. Any person prohibited by Section 12021, 12021.1,
40 or 12101 of this code or Section 8100 or 8103 of the Welfare and

1 Institutions Code from possessing firearms or ammunition who
2 obtains title to these items by bequest or intestate succession may
3 retain title for not more than one year, but actual possession of
4 these items at any time is punishable pursuant to Section 12021,
5 12021.1, or 12101 of this code or Section 8100 or 8103 of the
6 Welfare and Institutions Code. Within the year, the person shall
7 transfer title to the firearms or ammunition by sale, gift, or other
8 disposition. Any person who violates this paragraph is in violation
9 of subdivision (a).

10 (8) Any other weapon as defined in subsection (e) of Section
11 5845 of Title 26 of the United States Code and which is in the
12 possession of a person permitted to possess the weapons pursuant
13 to the federal Gun Control Act of 1968 (Public Law 90-618), as
14 amended, and the regulations issued pursuant thereto. Any person
15 prohibited by Section 12021, 12021.1, or 12101 of this code or
16 Section 8100 or 8103 of the Welfare and Institutions Code from
17 possessing these weapons who obtains title to these weapons by
18 bequest or intestate succession may retain title for not more than
19 one year, but actual possession of these weapons at any time is
20 punishable pursuant to Section 12021, 12021.1, or 12101 of this
21 code or Section 8100 or 8103 of the Welfare and Institutions Code.
22 Within the year, the person shall transfer title to the weapons by
23 sale, gift, or other disposition. Any person who violates this
24 paragraph is in violation of subdivision (a). The exemption
25 provided in this subdivision does not apply to pen guns.

26 (9) Instruments or devices that are possessed by federal, state,
27 and local historical societies, museums, and institutional collections
28 which are open to the public, provided that these instruments or
29 devices are properly housed, secured from unauthorized handling,
30 and, if the instrument or device is a firearm, unloaded.

31 (10) Instruments or devices, other than short-barreled shotguns
32 or short-barreled rifles, that are possessed or utilized during the
33 course of a motion picture, television, or video production or
34 entertainment event by an authorized participant therein in the
35 course of making that production or event or by an authorized
36 employee or agent of the entity producing that production or event.

37 (11) Instruments or devices, other than short-barreled shotguns
38 or short-barreled rifles, that are sold by, manufactured by, exposed
39 or kept for sale by, possessed by, imported by, or lent by persons
40 who are in the business of selling instruments or devices listed in

1 subdivision (a) solely to the entities referred to in paragraphs (9)
2 and (10) when engaging in transactions with those entities.

3 (12) The sale to, possession of, or purchase of any weapon,
4 device, or ammunition, other than a short-barreled rifle or
5 short-barreled shotgun, by any federal, state, county, city and
6 county, or city agency that is charged with the enforcement of any
7 law for use in the discharge of their official duties, or the
8 possession of any weapon, device, or ammunition, other than a
9 short-barreled rifle or short-barreled shotgun, by peace officers
10 thereof when on duty and the use is authorized by the agency and
11 is within the course and scope of their duties.

12 (13) Weapons, devices, and ammunition, other than a
13 short-barreled rifle or short-barreled shotgun, that are sold by,
14 manufactured by, exposed or kept for sale by, possessed by,
15 imported by, or lent by, persons who are in the business of selling
16 weapons, devices, and ammunition listed in subdivision (a) solely
17 to the entities referred to in paragraph (12) when engaging in
18 transactions with those entities.

19 (14) The manufacture for, sale to, exposing or keeping for sale
20 to, importation of, or lending of wooden clubs or batons to special
21 police officers or uniformed security guards authorized to carry
22 any wooden club or baton pursuant to Section 12002 by entities
23 that are in the business of selling wooden batons or clubs to special
24 police officers and uniformed security guards when engaging in
25 transactions with those persons.

26 (15) Any plastic toy handgrenade, or any metal military practice
27 handgrenade or metal replica handgrenade that is a relic, curio,
28 memorabilia, or display item, that is filled with a permanent inert
29 substance or that is otherwise permanently altered in a manner that
30 prevents ready modification for use as a grenade.

31 (16) Any instrument, ammunition, weapon, or device listed in
32 subdivision (a) that is not a firearm that is found and possessed by
33 a person who meets all of the following:

34 (A) The person is not prohibited from possessing firearms or
35 ammunition pursuant to Section 12021 or 12021.1 or paragraph
36 (1) of subdivision (b) of Section 12316 of this code or Section
37 8100 or 8103 of the Welfare and Institutions Code.

38 (B) The person possessed the instrument, ammunition, weapon,
39 or device no longer than was necessary to deliver or transport the

1 same to a law enforcement agency for that agency's disposition
2 according to law.

3 (C) If the person is transporting the listed item, he or she is
4 transporting the listed item to a law enforcement agency for
5 disposition according to law.

6 (17) Any firearm, other than a short-barreled rifle or
7 short-barreled shotgun, that is found and possessed by a person
8 who meets all of the following:

9 (A) The person is not prohibited from possessing firearms or
10 ammunition pursuant to Section 12021 or 12021.1 or paragraph
11 (1) of subdivision (b) of Section 12316 of this code or Section
12 8100 or 8103 of the Welfare and Institutions Code.

13 (B) The person possessed the firearm no longer than was
14 necessary to deliver or transport the same to a law enforcement
15 agency for that agency's disposition according to law.

16 (C) If the person is transporting the firearm, he or she is
17 transporting the firearm to a law enforcement agency for
18 disposition according to law.

19 (D) Prior to transporting the firearm to a law enforcement
20 agency, he or she has given prior notice to that law enforcement
21 agency that he or she is transporting the firearm to that law
22 enforcement agency for disposition according to law.

23 (E) The firearm is transported in a locked container as defined
24 in subdivision (d) of Section 12026.2.

25 (18) The possession of any weapon, device, or ammunition, by
26 a forensic laboratory or any authorized agent or employee thereof
27 in the course and scope of his or her authorized activities.

28 (19) The sale of, giving of, lending of, importation into this state
29 of, or purchase of, any large-capacity magazine to or by any
30 federal, state, county, city and county, or city agency that is charged
31 with the enforcement of any law, for use by agency employees in
32 the discharge of their official duties whether on or off duty, and
33 where the use is authorized by the agency and is within the course
34 and scope of their duties.

35 (20) The sale to, lending to, transfer to, purchase by, receipt of,
36 or importation into this state of, a large-capacity magazine by a
37 sworn peace officer as defined in Chapter 4.5 (commencing with
38 Section 830) of Title 3 of Part 2 who is authorized to carry a
39 firearm in the course and scope of his or her duties.

1 (21) The sale or purchase of any large-capacity magazine to or
2 by a person licensed pursuant to Section 12071.

3 (22) The loan of a lawfully possessed large-capacity magazine
4 between two individuals if all of the following conditions are met:

5 (A) The person being loaned the large-capacity magazine is not
6 prohibited by Section 12021, 12021.1, or 12101 of this code or
7 Section 8100 or 8103 of the Welfare and Institutions Code from
8 possessing firearms or ammunition.

9 (B) The loan of the large-capacity magazine occurs at a place
10 or location where the possession of the large-capacity magazine
11 is not otherwise prohibited and the person who lends the
12 large-capacity magazine remains in the accessible vicinity of the
13 person to whom the large-capacity magazine is loaned.

14 (23) The importation of a large-capacity magazine by a person
15 who lawfully possessed the large-capacity magazine in the state
16 prior to January 1, 2000, lawfully took it out of the state, and is
17 returning to the state with the large-capacity magazine previously
18 lawfully possessed in the state.

19 (24) The lending or giving of any large-capacity magazine to a
20 person licensed pursuant to Section 12071, or to a gunsmith, for
21 the purposes of maintenance, repair, or modification of that
22 large-capacity magazine.

23 (25) The return to its owner of any large-capacity magazine by
24 a person specified in paragraph (24).

25 (26) The importation into this state of, or sale of, any
26 large-capacity magazine by a person who has been issued a permit
27 to engage in those activities pursuant to Section 12079, when those
28 activities are in accordance with the terms and conditions of that
29 permit.

30 (27) The sale of, giving of, lending of, importation into this state
31 of, or purchase of, any large-capacity magazine, to or by entities
32 that operate armored vehicle businesses pursuant to the laws of
33 this state.

34 (28) The lending of large-capacity magazines by the entities
35 specified in paragraph (27) to their authorized employees, while
36 in the course and scope of their employment for purposes that
37 pertain to the entity's armored vehicle business.

38 (29) The return of those large-capacity magazines to those
39 entities specified in paragraph (27) by those employees specified
40 in paragraph (28).

1 (30) (A) The manufacture of a large-capacity magazine for any
2 federal, state, county, city and county, or city agency that is charged
3 with the enforcement of any law, for use by agency employees in
4 the discharge of their official duties whether on or off duty, and
5 where the use is authorized by the agency and is within the course
6 and scope of their duties.

7 (B) The manufacture of a large-capacity magazine for use by a
8 sworn peace officer as defined in Chapter 4.5 (commencing with
9 Section 830) of Title 3 of Part 2 who is authorized to carry a
10 firearm in the course and scope of his or her duties.

11 (C) The manufacture of a large-capacity magazine for export
12 or for sale to government agencies or the military pursuant to
13 applicable federal regulations.

14 (31) The loan of a large-capacity magazine for use solely as a
15 prop for a motion picture, television, or video production.

16 (32) The purchase of a large-capacity magazine by the holder
17 of a special weapons permit issued pursuant to Section 12095,
18 12230, 12250, 12286, or 12305, for any of the following purposes:

19 (A) For use solely as a prop for a motion picture, television, or
20 video production.

21 (B) For export pursuant to federal regulations.

22 (C) For resale to law enforcement agencies, government
23 agencies, or the military, pursuant to applicable federal regulations.

24 (c) (1) As used in this section, a “short-barreled shotgun” means
25 any of the following:

26 (A) A firearm which is designed or redesigned to fire a fixed
27 shotgun shell and having a barrel or barrels of less than 18 inches
28 in length.

29 (B) A firearm which has an overall length of less than 26 inches
30 and which is designed or redesigned to fire a fixed shotgun shell.

31 (C) Any weapon made from a shotgun (whether by alteration,
32 modification, or otherwise) if that weapon, as modified, has an
33 overall length of less than 26 inches or a barrel or barrels of less
34 than 18 inches in length.

35 (D) Any device which may be readily restored to fire a fixed
36 shotgun shell which, when so restored, is a device defined in
37 subparagraphs (A) to (C), inclusive.

38 (E) Any part, or combination of parts, designed and intended
39 to convert a device into a device defined in subparagraphs (A) to
40 (C), inclusive, or any combination of parts from which a device

1 defined in subparagraphs (A) to (C), inclusive, can be readily
2 assembled if those parts are in the possession or under the control
3 of the same person.

4 (2) As used in this section, a “short-barreled rifle” means any
5 of the following:

6 (A) A rifle having a barrel or barrels of less than 16 inches in
7 length.

8 (B) A rifle with an overall length of less than 26 inches.

9 (C) Any weapon made from a rifle (whether by alteration,
10 modification, or otherwise) if that weapon, as modified, has an
11 overall length of less than 26 inches or a barrel or barrels of less
12 than 16 inches in length.

13 (D) Any device which may be readily restored to fire a fixed
14 cartridge which, when so restored, is a device defined in
15 subparagraphs (A) to (C), inclusive.

16 (E) Any part, or combination of parts, designed and intended
17 to convert a device into a device defined in subparagraphs (A) to
18 (C), inclusive, or any combination of parts from which a device
19 defined in subparagraphs (A) to (C), inclusive, may be readily
20 assembled if those parts are in the possession or under the control
21 of the same person.

22 (3) As used in this section, a “nunchaku” means an instrument
23 consisting of two or more sticks, clubs, bars or rods to be used as
24 handles, connected by a rope, cord, wire, or chain, in the design
25 of a weapon used in connection with the practice of a system of
26 self-defense such as karate.

27 (4) As used in this section, a “wallet gun” means any firearm
28 mounted or enclosed in a case, resembling a wallet, designed to
29 be or capable of being carried in a pocket or purse, if the firearm
30 may be fired while mounted or enclosed in the case.

31 (5) As used in this section, a “cane gun” means any firearm
32 mounted or enclosed in a stick, staff, rod, crutch, or similar device,
33 designed to be, or capable of being used as, an aid in walking, if
34 the firearm may be fired while mounted or enclosed therein.

35 (6) As used in this section, a “fléchette dart” means a dart,
36 capable of being fired from a firearm, that measures approximately
37 one inch in length, with tail fins that take up approximately
38 five-sixteenths of an inch of the body.

39 (7) As used in this section, “~~metal~~ artificial knuckles” means
40 any device or instrument ~~made wholly or partially of metal~~ other

1 *than a medically-prescribed prosthetic or an unweighted glove*
2 *which is worn for purposes of offense or defense in or on the hand*
3 *and which either protects the wearer's hand while striking a blow*
4 *or increases the force of impact from the blow or injury to the*
5 *individual receiving the blow. The ~~metal contained in the~~ device*
6 *may help support the hand or fist, provide a shield to protect it, or*
7 *consist of *surfaces, edges, ridges, points*, projections or studs which*
8 *would contact the individual receiving a blow.*

9 (8) As used in this section, a "ballistic knife" means a device
10 that propels a knifelike blade as a projectile by means of a coil
11 spring, elastic material, or compressed gas. Ballistic knife does
12 not include any device which propels an arrow or a bolt by means
13 of any common bow, compound bow, crossbow, or underwater
14 speargun.

15 (9) As used in this section, a "camouflaging firearm container"
16 means a container which meets all of the following criteria:

17 (A) It is designed and intended to enclose a firearm.

18 (B) It is designed and intended to allow the firing of the enclosed
19 firearm by external controls while the firearm is in the container.

20 (C) It is not readily recognizable as containing a firearm.

21 "Camouflaging firearm container" does not include any
22 camouflaging covering used while engaged in lawful hunting or
23 while going to or returning from a lawful hunting expedition.

24 (10) As used in this section, a "zip gun" means any weapon or
25 device which meets all of the following criteria:

26 (A) It was not imported as a firearm by an importer licensed
27 pursuant to Chapter 44 (commencing with Section 921) of Title
28 18 of the United States Code and the regulations issued pursuant
29 thereto.

30 (B) It was not originally designed to be a firearm by a
31 manufacturer licensed pursuant to Chapter 44 (commencing with
32 Section 921) of Title 18 of the United States Code and the
33 regulations issued pursuant thereto.

34 (C) No tax was paid on the weapon or device nor was an
35 exemption from paying tax on that weapon or device granted under
36 Section 4181 and Subchapters F (commencing with Section 4216)
37 and G (commencing with Section 4221) of Chapter 32 of Title 26
38 of the United States Code, as amended, and the regulations issued
39 pursuant thereto.

1 (D) It is made or altered to expel a projectile by the force of an
2 explosion or other form of combustion.

3 (11) As used in this section, a “shuriken” means any instrument,
4 without handles, consisting of a metal plate having three or more
5 radiating points with one or more sharp edges and designed in the
6 shape of a polygon, trefoil, cross, star, diamond, or other geometric
7 shape for use as a weapon for throwing.

8 (12) As used in this section, an “unconventional pistol” means
9 a firearm that does not have a rifled bore and has a barrel or barrels
10 of less than 18 inches in length or has an overall length of less than
11 26 inches.

12 (13) As used in this section, a “belt buckle knife” is a knife
13 which is made an integral part of a belt buckle and consists of a
14 blade with a length of at least 2 ½ inches.

15 (14) As used in this section, a “lipstick case knife” means a
16 knife enclosed within and made an integral part of a lipstick case.

17 (15) As used in this section, a “cane sword” means a cane,
18 swagger stick, stick, staff, rod, pole, umbrella, or similar device,
19 having concealed within it a blade that may be used as a sword or
20 stiletto.

21 (16) As used in this section, a “shobi-zue” means a staff, crutch,
22 stick, rod, or pole concealing a knife or blade within it which may
23 be exposed by a flip of the wrist or by a mechanical action.

24 (17) As used in this section, a “leaded cane” means a staff,
25 crutch, stick, rod, pole, or similar device, unnaturally weighted
26 with lead.

27 (18) As used in this section, an “air gauge knife” means a device
28 that appears to be an air gauge but has concealed within it a
29 pointed, metallic shaft that is designed to be a stabbing instrument
30 which is exposed by mechanical action or gravity which locks into
31 place when extended.

32 (19) As used in this section, a “writing pen knife” means a
33 device that appears to be a writing pen but has concealed within
34 it a pointed, metallic shaft that is designed to be a stabbing
35 instrument which is exposed by mechanical action or gravity which
36 locks into place when extended or the pointed, metallic shaft is
37 exposed by the removal of the cap or cover on the device.

38 (20) As used in this section, a “rifle” means a weapon designed
39 or redesigned, made or remade, and intended to be fired from the
40 shoulder and designed or redesigned and made or remade to use

1 the energy of the explosive in a fixed cartridge to fire only a single
2 projectile through a rifled bore for each single pull of the trigger.

3 (21) As used in this section, a “shotgun” means a weapon
4 designed or redesigned, made or remade, and intended to be fired
5 from the shoulder and designed or redesigned and made or remade
6 to use the energy of the explosive in a fixed shotgun shell to fire
7 through a smooth bore either a number of projectiles (ball shot)
8 or a single projectile for each pull of the trigger.

9 (22) As used in this section, an “undetectable firearm” means
10 any weapon which meets one of the following requirements:

11 (A) When, after removal of grips, stocks, and magazines, it is
12 not as detectable as the Security Exemplar, by walk-through metal
13 detectors calibrated and operated to detect the Security Exemplar.

14 (B) When any major component of which, when subjected to
15 inspection by the types of X-ray machines commonly used at
16 airports, does not generate an image that accurately depicts the
17 shape of the component. Barium sulfate or other compounds may
18 be used in the fabrication of the component.

19 (C) For purposes of this paragraph, the terms “firearm,” “major
20 component,” and “Security Exemplar” have the same meanings
21 as those terms are defined in Section 922 of Title 18 of the United
22 States Code.

23 All firearm detection equipment newly installed in nonfederal
24 public buildings in this state shall be of a type identified by either
25 the United States Attorney General, the Secretary of Transportation,
26 or the Secretary of the Treasury, as appropriate, as available
27 state-of-the-art equipment capable of detecting an undetectable
28 firearm, as defined, while distinguishing innocuous metal objects
29 likely to be carried on one’s person sufficient for reasonable
30 passage of the public.

31 (23) As used in this section, a “multiburst trigger activator”
32 means one of the following devices:

33 (A) A device designed or redesigned to be attached to a
34 semiautomatic firearm which allows the firearm to discharge two
35 or more shots in a burst by activating the device.

36 (B) A manual or power-driven trigger activating device
37 constructed and designed so that when attached to a semiautomatic
38 firearm it increases the rate of fire of that firearm.

39 (24) As used in this section, a “dirk” or “dagger” means a knife
40 or other instrument with or without a handguard that is capable of

1 ready use as a stabbing weapon that may inflict great bodily injury
2 or death. A nonlocking folding knife, a folding knife that is not
3 prohibited by Section 653k, or a pocketknife is capable of ready
4 use as a stabbing weapon that may inflict great bodily injury or
5 death only if the blade of the knife is exposed and locked into
6 position.

7 (25) As used in this section, “large-capacity magazine” means
8 any ammunition feeding device with the capacity to accept more
9 than 10 rounds, but shall not be construed to include any of the
10 following:

11 (A) A feeding device that has been permanently altered so that
12 it cannot accommodate more than 10 rounds.

13 (B) A .22 caliber tube ammunition feeding device.

14 (C) A tubular magazine that is contained in a lever-action
15 firearm.

16 (d) Knives carried in sheaths which are worn openly suspended
17 from the waist of the wearer are not concealed within the meaning
18 of this section.

19 SEC. 2. No reimbursement is required by this act pursuant to
20 Section 6 of Article XIII B of the California Constitution because
21 the only costs that may be incurred by a local agency or school
22 district will be incurred because this act creates a new crime or
23 infraction, eliminates a crime or infraction, or changes the penalty
24 for a crime or infraction, within the meaning of Section 17556 of
25 the Government Code, or changes the definition of a crime within
26 the meaning of Section 6 of Article XIII B of the California
27 Constitution.